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09/843,289	04/24/2001	Antonio Atwater	338528002US1	7918

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EXAMINER	
NGUYEN, PHUONGCHAU BA	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,289	Applicant(s) ATWATER ET AL.	
	Examiner Phuongchau Ba Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4-24-01 pre-amendment*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6,7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claim 8 is objected to because of the following informalities:

---: (colon)--- should be inserted after the word "comprises", because the ":"(colon) is used to list a list of items. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding to the method claimed, claim 8 is vague and indefinite because it is not sure which information, "receiving digital information" (claim 6, line 1) or "distributing information"(claim 6, line 3) that "said information"(claim 8, line 1) is referred to. Claim 9 also vague and indefinite because it is not sure which of the information, "receiving digital information" (claim 6, line 1) or "distributing information"(claim 6, line 3) or "program identification information"(claim 8,

line 2) or "source address information"(claim 8, line 3), that "said information"(claim 9, line 1) is referred to.

Claims 8-9 recite the limitation "said information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 7, 10-12, 14-27 are rejected for being depended on claim 6.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 6, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by DeSimone (6,011,782).

Regarding claims 1, 6:

DeSimone (6,011,782) discloses a method for receiving digital information comprising:

distributing multicast header information representing multicast services available to end user units {abstract, lines 9-11}; thereupon

selecting at each end user unit only one or more of the multicast services to be delivered {abstract, lines 7-11}; and thereupon

establishing a dynamic switched virtual circuit between the end user unit and a central office via a dedicated DSL circuit for supplying said selected one or more of the multicast services {col.3, lines 56-67}.

Regarding claim 2:

DeSimone further including the step of suppressing said multicast header information upon establishing said switched virtual circuit {col.1, lines 55-57; col.2, lines 20-25}.

Regarding claims 3, 14:

DeSimone further comprising the step of verifying that the end user unit is authorized for the multicast service to be delivered in the selecting step {col.5, lines 19-23}.

Regarding claim 7:

DeSimone further discloses wherein said distributing step further comprises IP multicasting {abstract, lines 1-11}.

Regarding claim 12:

DeSimone further discloses wherein said plurality of content providers provide programming content by unicast, and are associated with a unique uniform resource locator (URL) {col.1, lines 25-28}.

Regarding claim 13:

DeSimone further discloses wherein said supplying said selected one or more of the programming services further comprises:

sending an HTTP GET request from said end user unit to said central office in order to obtain programming content from a particular content provider of said plurality of content providers {col.5, lines 12-17}; and

receiving from said particular content provider unicast programming content {col.5, lines 20-23; col.1, lines 25-28}.

6. Claims 19, 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Schloss (5,706,507).

Regarding claim 19:

Schloss discloses a computer program product (watchdog) comprising:

code for transmitting requests for program announcement information to a server (content server 6) {transmit via html language; col.4, lines 30-31};

code for receiving programming announcement information {html, col.4, line 42};

code for transmitting a selection of programming from the user to the server {html, col.4, lines 42-43};

code for establishing a session for receiving programming content from a content provider {html, col.4, lines 42-43}; and

a computer readable storage medium (database 7) for storing the codes.

Regarding claim 21:

Schloss further discloses wherein said code for establishing a session further comprises code for retrieving program content from a source by TCP connection {schloss, col.5, lines 14-23, 36-38}.

Regarding claim 22:

Schloss further discloses code for verifying that the selection of programming from the user was contained in the program announcement information {schloss, col.5, lines 36-38}.

Regarding claim 23:

Schloss further discloses code for allowing user to customize setting {schloss, col.1, lines 61-64, 66-col.2, line 11}.

Regarding claim 24:

Schloss further discloses code for allowing user to filter unwanted content {schloss, col.2, lines 29-33}.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4-5, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone (6,011,782) in view of Schloss (5,706,507).

Regarding claims 4, 16:

DeSimone does not explicitly disclose further comprising the steps of: prompting at said end user unit for a plurality of filtering parameters; and filtering said digital information according to said plurality of filtering parameters. However, in the same field of endeavor, Schloss (5,706,507) discloses further comprising the steps of: prompting at said end user unit for a plurality of filtering parameters {abstract, lines 5-8, 13-16; col.9, lines 25-29}; and filtering said digital information according to said plurality of filtering parameters {abstract, lines 5-8, 13-16; col.9, lines 25-29}. Therefore, it would have been obvious to an artisan to apply Schloss's teaching to DeSimone's system with the motivation being to prevent kids to access adult-only material when surfing the web.

Regarding claims 5, 17:

DeSimone does not explicitly disclose further comprising the steps of: prompting at said end user unit for one or more values for a plurality of customizable settings;

and applying said values to said plurality of customizable settings. However, in the same field of endeavor, Schloss discloses further comprising the steps of: prompting at said end user unit for one or more values for a plurality of customizable settings {col.1, lines 66-col.2, lines 24, 29-33}; and applying said values to said plurality of customizable settings {col.1, lines 66-col.2, lines 24, 29-33, 45-67}. Therefore, it would have been obvious to an artisan to apply Schloss's teaching to DeSimone's system with the motivation being to prevent kids to access adult-only material when surfing the web.

Regarding claim 15:

DeSimone discloses further the step of verifying that the only one or more of the programming services to be delivered in the selecting step is contained in said programming services available in the distributing information step {abstract, lines 7-11}. DeSimone does not explicitly disclose if not so contained, generating a security exception. However, in the same field of endeavor, Schloss discloses if not so contained, generating a security exception {col.5, line 33-col.6, line 1}. Therefore, it would have been obvious to an artisan to apply Schloss's teaching to DeSimone's system with the motivation being to prevent kids to access adult-only material when surfing the web.

9. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone (6,011,782) in view of Hari (IEEE-1996, Techniques for Improving the Capacity of Video on Demand).

Regarding claims 8-9:

DeSimone does not explicitly disclose wherein said information comprises: program identification information; source address information; and a program description **(claim 8)**; wherein said information further comprises a segment of program content **(claim 9)**. However, in the same field of endeavor, Hari (IEEE, Techniques for improving the capacity of video on demand) further discloses wherein said information comprises: program identification information; source address information; and a program description {movies/videos being broadcasted for pay per view or on-demand on cable TV from video server, fig.1}**(claim 8)**; wherein said information further comprises a segment of program content {abstract, lines 8-11; page 309, right column, lines 16-17}**(claim 9)**. Therefore, it would have been obvious to an artisan to apply Hari's teaching to DeSimone's system with the motivation being to provide user the flexibility of selecting the content as well as scheduling the program that the user wants to watch without being disturbed.

Regarding claim 10:

DeSimone does not explicitly disclose wherein said plurality of content providers provide programming content by multicast, and are associated with a multicast group.

However, in the same field of endeavor, Hari further discloses wherein said plurality of content providers provide programming content by multicast, and are associated with a multicast group {page 311, right column, lines 49-51 and page 312, left column, lines 1-6}. Therefore, it would have been obvious to an artisan to apply Hari's teaching DeSimone's system with the motivation being to provide the same video on demand (distributed programs) to multiple users by only sending once the demanded video.

Regarding claim 11:

DeSimone further discloses wherein said supplying said selected one or more of the programming services further comprises:

sending an IGMP join request from said end user unit to said central office in order to join said multicast group of a particular content provider of said plurality of content providers {abstract, lines 7-11, 14-16}; and

receiving from said particular content provider multicast programming content {abstract, lines 7-11}.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel (5,961,603) in view of Hari (IEEE-1996, Techniques for Improving the Capacity of Video on Demand).

Regarding claim 18:

Kunkel (5,961,603) discloses a system (10, fig.1) for distributing digital information comprising:

a plurality of content providers (38, 28, 30, 31, fig.1), distributing information representing available programming services {col.5, line 32-col.6, line 56};

a central channel server (12, fig.1) for receiving said information representing available programming services {col.4, lines 2-6};

a plurality of end user subscribers (24), interactively receiving from said central channel server said information representing programming services available {col.4, lines 11-14, 40-48}, selecting only one or more of the programming services to be delivered {abstract, lines 7-11}, and thereupon become connected via dynamic switched virtual circuits established between said end user units and a central office for supplying said selected one or more of the programming services {col.3 lines 56-64}.

Kunkel does not explicitly disclose supplying of programming services via a dedicated DSL. However, in the same field of endeavor, Hari further discloses supplying of programming services via a dedicated DSL {bridging paragraph on page 308, right column and page 381, left column}. Therefore, it would have been obvious to an artisan to apply Hari's teaching to Kunkel's system with the motivation being to provide number of new multimedia services to user and high speed data transmission over existing telephone and cableTV.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss (5,706,507) in view of DeSimone (6,011,782).

Regarding claim 20:

Schloss does not explicitly disclose wherein said code for establishing a session further comprises code for joining an IP multicast group. However, in the same field of endeavor, DeSimone further discloses wherein said code for establishing a session further comprises code for joining an IP multicast group {col.4, lines 8-25}. Therefore, it would have been obvious to an artisan to apply DeSimone's teaching to Schloss's system with the motivation being to avoid excessive and unnecessary use of bandwidth in the network and an excessive amount of computation at the source for replicating data if not using multicast.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN

Phuongchau Ba Nguyen
Examiner
Art Unit 2665

DUC HO
PRIMARY EXAMINER

5-12-04